

REMARKS

Claims 1-10 are pending.

Claims 1 and 8 have been amended to more particularly claim Applicant's invention. Support for the amendments may be found in the specification at least on page 3.

The Examiner has requested an abstract of the invention on a separate sheet. Applicant has provided a copy of the abstract as published in the cognate PCT application WO 00/03223, section (57) entitled Abstract, herewith as Appendix A.

The specification has been amended to correctly identify Figure 1 that illustrates the bag used in the present invention. Support for this amendment may be found in the specification at least on page 2, lines 27-28 describing Figure 1. Applicant requests withdrawal of the objection.

Claims 1, 4, 5, 6, and 7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Robbins (U.S. Patent 5,140,845).

Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Robbins as applied to Claim 1, and further in view of U.S. Patent 5,913,588 to Legros *et al.*

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Robbins as applied to Claim 1, and further in view of U.S. Patent 5,576,285 to France *et al.*

Claims 8-10 stand rejected under 35 U.S.C. § 103 as being unpatentable over Robbins in view of U.S. Patent 4,930,906 to Hemphill.

Rejection Under 35 U.S.C. § 102(b)

Claims 1, 4, 5, 6, and 7 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,140,845 to Robbins. Applicant respectfully traverses the rejection and requests withdrawal of same.

Applicant's invention teaches a method for measuring volatile organic compounds (VOCs) of material produced in a process system having emissions. Examples of process systems in which this method may be utilized are provided in Applicant's specification at least on page 4, and include spray dryers, mixers, fluid bed dryers and coolers, and storage tanks. All of these systems are closed systems.

Robbins teaches a method for measuring the volatile constituent of a sample of ground water or soil mixed with water. Robbins does not teach a method for measuring volatile organic compounds in a process system having emissions, as provided by way of Applicant's invention. There is no identity of invention between the disclosure of Robbins and the instant invention. Specifically, Robbins does not teach all of the elements of Applicant's invention, and as such cannot anticipate same. Applicant requests withdrawal of the rejection.

Rejections Under 35 U.S.C. § 103(a)

Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Robbins as applied to Claim 1 and further in view of U.S. Patent 5,913,588 to Legros *et al.* Applicant respectfully traverses the rejection and requests withdrawal of same.

Applicant's invention teaches a method for measuring VOCs as described above. Claim 2 specifically provides for this method in a fluid bed dryer system.

Robbins teaches a method for measuring volatile constituents in a sample of ground water or soil mixed with water. As discussed above, Robbins does not teach or suggest a method for measuring volatile organic compounds in a process system having

emissions, nor does Robbins teach this method used in fluid bed dryer systems as provided by way of Applicant's invention.

Legros teaches a drying system for a fluid bed dryer. Legros does not teach a method for measuring volatile organic compounds of material produced in a process system having emissions.

Robbins and Legros alone or in combination do not teach or suggest the method of Applicant's invention for measuring volatile organic compounds of material produced in a process system having emissions, and wherein the process system is a fluid bed dryer. *A prima facie* case of obviousness has not been established. Applicant requests withdrawal of the rejection.

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Robbins as applied to Claim 1 above, and further in view of U.S. Patent 5,576,285 to France *et al.* Applicant respectfully traverses the rejection and requests withdrawal of same.

Applicant requests clarification of the Examiner's statement in paragraph 10 of the Office Action dated May 6, 2002 regarding Claims 2, 3, and 6: "with further regard to claims 2, 3, and 6, it is..."

Applicant's invention is as provided above. Claim 3 specifically provides for the use of this method in a spray dryer system.

Robbins teaches a method as discussed above. Robbins does not teach or suggest a method for measuring volatile organic compounds in a spray dryer system as provided by Applicant's invention.

France teaches a process for preparing low density detergent agglomerates. France does not teach or suggest a method for measuring volatile organic compounds in a process system having emissions, nor does France teach this method used in spray dryer systems as provided by way of Applicant's invention.

Robbins and France alone or in combination do not teach or suggest Applicant's invention. Specifically, Robbins and France do not teach or suggest a method for

measuring volatile organic compounds in a process system having emissions, wherein said process system is a spray dryer. A *prima facie* case of obviousness has not been established. Applicant requests withdrawal of the rejection.

Claims 8-10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Robbins in view of U.S. Patent 4,930,906 to Hemphill. Applicant respectfully traverses the rejection and requests withdrawal of same.

Robbins teaches a method as discussed above. Robbins does not teach or suggest a kit for measuring volatile organic compounds produced in a process system having emissions as provided by Applicant's invention.

Hemphill teaches a cooking grease disposal bag. Hemphill does not teach or suggest a kit for measuring volatile organic compounds produced in a process system having emissions as provided by Applicant's invention.

Robbins and Hemphill alone or in combination do not teach or suggest the kit of Applicant's invention. A *prima facie* case of obviousness has not been established. Applicant requests withdrawal of the rejection.

PATENT

Attorney Docket No.: 390780

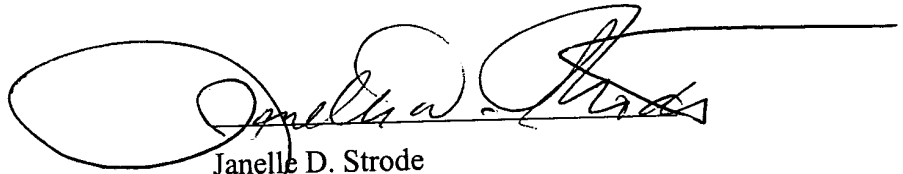
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Conclusion

Applicant respectfully requests withdrawal of all rejections of Claims 1-10. Should the Examiner believe that any issues remain outstanding, the Examiner is requested to call Applicant's undersigned attorney in an effort to resolve such issues and advance this application to issue.

Respectfully submitted,

LATHROP & GAGE L.C.

A handwritten signature in black ink, appearing to read 'Janelle D. Strode', is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke extending to the right.

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Marked-up Version of Amended Claims

1. (Once Amended) A method for [the] measuring volatile organic compounds of a material produced in a process system having emissions, said method comprising [the steps of]:

- (a) disposing an amount of said material in an enclosed bag having a sealable opening such that there is headspace above said material in said enclosed bag;
- (b) storing said enclosed bag containing said solid material at the mean exit temperature of said emissions of said system such that equilibrium between said material and said headspace is reached; and
- (c) introducing samples from said headspace into a flame ionization detector which thereby measures said volatile organic compounds of said material.

8. (Once Amended) A kit for measuring the volatile organic compounds of a material produced in a process system having emissions, said kit comprising:

- (a) an enclosed bag having a sealable opening to allow an amount of said material to be placed in said enclosed bag such that there is headspace above said material; and
- (b) instructions for analyzing samples from said headspace in said enclosed bag, thereby providing said volatile organic compounds of said material.

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Appendix A

Abstract

A method for measuring volatile organic compounds (VOCs) of a material produced in a process system is disclosed. The method involves an enclosed bag into which a sample of material is placed, after which the bag is stored at a predetermined temperature such that the contents reach equilibrium. The storage temperature is the mean exit temperature of the effluent from the process system for which a VOC measurement is required. Samples from the headspace in the bag are inputted into a flame ionization detector to provide the VOC level. A kit for using the method is also disclosed.

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